

HOUSE No. 1913

By Mr. Carron of Soughbridge, petition of Mark J. Carron for legislation to place the Department of Youth Services under the jurisdiction of the Department of Public Safety. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO PLACING THE DEPARTMENT OF YOUTH SERVICES
UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC SAFETY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of Chapter 18A of the General Laws is
2 hereby amended by striking out the section in its entirety and
3 replacing the section as follows:
4 Section 1. There shall be a department of youth services, in this
5 chapter called the department, which shall be under the supervi-
6 sion and control of a commissioner of youth services, in this
7 chapter called the commissioner. The commissioner of public
8 safety shall appoint, with the approval of the governor, the com-
9 missioner who shall serve at the pleasure of the commissioner of
10 public safety and may be removed by the commissioner of public
11 safety at any time, subject to the approval of the governor. The
12 commissioner shall, at the time of his appointment, be qualified
13 by having earned from an accredited institution a graduate degree
14 in the social sciences, education, law or related fields and by
15 having no less than seven years professional or administrative
16 experience in work related to the problems of delinquent children
17 and youth. The position of commissioner shall be classified in
18 accordance with section forty-five of chapter thirty and the salary
19 shall be determined in accordance with section forty-six C of said
20 chapter thirty; he shall devote his full time during business hours
21 to the duties of his office, shall be the executive head of the
22 department and shall have full responsibility for the formulation

23 and execution of all its policies and the coordination of all of its
24 functions. He shall appoint and may remove all employees in the
25 department. Unless otherwise provided by law, all such appoint-
26 ments and removals shall be made in accordance with the provi-
27 sions of chapter thirty-one.

28 Powers and duties given to any administrative bureau, subdivi-
29 sion or institution of the department by any general or special law
30 shall be exercised and discharged subject to the direction, control
31 and supervision of the commissioner. The department may expend
32 such sums as may be appropriated for grants to cities and towns
33 and to other public agencies and for the purchase of services from
34 other government departments and agencies and from private non-
35 profit agencies to carry out any of the program and purposes of
36 the department. The commissioner may establish, subject to
37 appropriation, such district offices and employ such field agents
38 as shall be necessary or desirable to carry out the program and
39 purposes of the department. Federal funds granted to the common-
40 wealth to aid in the financing of any of the program and policies
41 of the department shall be credited to a separate fund on the books
42 of the commonwealth only for the purposes of such expenditures
43 to be made under the direction of the commissioner. Federal funds
44 paid as reimbursement to the commonwealth shall be deposited in
45 the General Fund.

1 SECTION 2. Section 3 of said Chapter 18A of the General
2 Laws is hereby amended by striking out the section in its entirety
3 and replacing the section as follows:

4 Section 3. The commissioner shall appoint, with the approval of
5 the commissioner of public safety, a deputy commissioner who
6 shall not be subject to the provisions of chapter thirty-one and to
7 whom the provisions of section nine A of chapter thirty shall not
8 apply, but who shall possess the same qualifications required of
9 the commissioner, except that he shall have had not less than five
10 years of experience in work related to juvenile delinquency, of
11 which at least two shall have been as an administrator. Said
12 deputy commissioner shall serve at the pleasure of the commis-
13 sioner, and shall devote his full time during business hours to the
14 duties of his office. He shall exercise such authority and discharge
15 such duties of the commissioner as the commissioner may from

16 time to time delegate to him and, in the absence or incapacity of
17 the commissioner, or in the event of a vacancy in the office of
18 commissioner, shall act as the commissioner until the absence or
19 incapacity shall have terminated or the vacancy shall have been
20 filled.

1 SECTION 3. Section 9 of said Chapter 18A of the General
2 Laws is hereby amended by striking out the section in its entirety
3 and replacing the section as follows:

4 Section 9. There shall be in the department an advisory com-
5 mittee consisting of the commissioner of youth services, the com-
6 missioner of welfare, the commissioner of the office for children,
7 the commissioner of mental health, the commissioner of educa-
8 tion, the chairman of the parole board, the commissioner of cor-
9 rection, the commissioner of probation, the commissioner of
10 rehabilitation, the chairman of the Massachusetts commission
11 against discrimination, the executive secretary of the Massachu-
12 setts Society for the Prevention of Cruelty to Children, and the
13 executive secretary of the Massachusetts Committee on Children
14 and Youth, all of whom shall serve ex officiis, and nine other per-
15 sons to be appointed by the commissioner of public safety, with
16 the approval of the governor. Such persons shall have demon-
17 strated professional involvement and expertise in the area of
18 delinquency prevention, rehabilitation, and treatment. Upon the
19 expiration of the term of office of any appointed member, his suc-
20 cessor shall be appointed for a term of three years. Any vacancy
21 shall be filled by the commissioner of public safety for the
22 remainder of the unexpired term. The commissioner of public
23 safety shall appoint from the members of said committee a
24 chairman and a vice chairman. The committee may appoint a full
25 time executive secretary. Members of said committee shall serve
26 without compensation, but each member shall be reimbursed by
27 the commonwealth for all reasonable expenses incurred in the per-
28 formance of his official duties.

29 Said advisory committee shall have the following duties: (a) It
30 shall advise the commissioner on policy, program development
31 and priorities of need in developing a comprehensive program (1)
32 for the treatment, rehabilitation and custody of juvenile offenders
33 and (2) for integration of the juvenile offender into constructive

34 community life. (b) It shall review the annual plan and the pro-
35 posed annual budget for the department, and shall make recom-
36 mendations to the commissioner relative thereto. (c) It shall
37 advise on the recruitment policies of the schools in the depart-
38 ment. (d) It shall submit an annual report in which it may propose
39 legislation and present material for the education of the public.
40 (e) It shall visit, at its discretion, every institution and facility
41 within the jurisdiction of the department. It shall meet at least four
42 times a year and shall convene special meetings at the call of the
43 chairman of the committee, a majority of the committee, or the
44 commissioner. For the purposes of holding meetings and con-
45 ducting official business, a majority of the membership shall con-
46 stitute a quorum. A written record of all meetings of the
47 committee shall be maintained by the executive secretary and a
48 copy filed within fifteen days after each meeting by said secretary
49 with the commissioner of administration and finance.